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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,707	05/20/1999	ERIK C. SCHYLANDER	PHN-16.938	6850

7590 03/26/2002

CORPORATE PATENT COUNSEL
US PHILIPS CORPORATION
580 WHITE PLAINS ROAD
TARRYTOWN, NY 10591

EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2615

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/315,707

Applicant(s)
Schylander

Examiner
Vincent F. Boccio

Art Unit
2615



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jan 4, 2002

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-3 and 5-8 is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☒ The proposed drawing correction filed on Jan 4, 2002 is: a) ☒ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other:

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2615.

Drawings

1. The corrected drawings Fig. 1 and 5 were received and have been approved by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 1-3, 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by David(WO 98/09290).

Regarding claims 1-3, 5-7, David discloses and meets the limitations associated with a method of reproducing from a record carrier storing at least video related and control data items in digital form(abstract, "interactive control" and page 4, "MPEG"), which control data enable playback control of the user data, which control data comprises at least play control data which defined user data items which are playable(page 5, "Play list"), at least selection control data for enabling a user to select and control reproduction of user data and at least variable control data for operating on user and system variables(page 7-8, "defaults country, language levels of ratings {TOC}, player

capability, user variables and system variables), characterized in that the variable control data comprises at least one conditional arithmetic operation(page 9, "additions, subtractions, multiple and divide", used in the programming of the interactive disk to provide control and data selection, locating, jumping to a different part of a sequence based on user input); wherein the conditional operations are the interactive operation, requesting a user input in the form of a menu to dictate the direction of the interactive operations, provided in a wait loop {abstract}, wherein unconditional GOTO, is a point in the play list which directs the playback in one direction only, merely one item in the play list, where the user does not choose the next sequence, which each command list comprises only one instruction apart from the unconditional GOTO met when the user initiates reproduction from a play list and start item is unconditional because there exist no multiple paths or user control, any play list provides an unconditional GOTO when selecting the first item to reproduce.

Regarding claim 8, David further meets the limitations wherein the record carried can be characterized in that the

play control data(page 4, lines 25-,) is embedded in play lists(page 4, lines 20-);

play list header(line 25);

reference to further list(lines 26-27, "prev_list,
next_list");

wherein the selection control data is embedded in selection lists(page 6, line 8-, "prev, next and return_lists"); wherein the selection list includes a selection list header(line 14) and at least one reference to corresponding to a user selection(line 9, 20, 22, 24, "user chooses default" etc...), wherein the headers for different selection lists are different, due to the selection list headers define the start of a selection list, wherein at least one command list contains a reference to a play or selection list(page 2, line 31-).

Response to Arguments

4. Applicant's arguments filed 1/4/02 have been fully considered but they are not persuasive.

{A} In re page 3 applicant states, "In response to the rejection under 102, being for allegedly being anticipated by David, the citation does not identically disclose all the elements of the claimed invention.",

"More specifically ... the citation does not suggest

"instruction for a conditional arithmetic operation.",

"the only conditional instruction disclosed by David is a conditional offset to a list, which, does not suggest, an instruction for performing a conditional arithmetic operation.".

In response the claims recite,
"at least one instruction for a conditional arithmetic operation", which since the reference David is considered to be functional and usable, disclosing structures or "Programming", using statements such as multiply, subtraction, divide etc., meeting the limitation of wherein operations can be carried out using arithmetic instructions, in statement lists {page 8, lines 26-27}, wherein further operations of statement list program structures also can comprise, "arithmetic", as well as conditional programming operands {page 9, line 10-, "conditional type", "if then else"}, or control structures, as disclosed {page 8, line 33 to page 9, line 18}, it is therefore, considered anticipated that since all these types of data structures can be or intended to be utilized in combination, due to no disclosure to the contrary,

programming code, operational statements such as conditional and arithmetic are suggested to be used together, therefore, meeting the limitation of providing, conditional-arithmetic operations or programming capability, to create interactive data structures, as suggested by the reference as understood by the examiner, as is deemed to be well known to those skilled in the art {also reference abstract}.

To support the examiner, the examiner cites, page 2, lines 17-23, David, suggests, the usability of different type of programming data structures to be utilized together,

"first data structure comprises a play list,

and that at least one of further control structures is provided, .. from the control structures:

regional play list,

statement list,

conditional list,

control list",

wherein the statement list is associated with various arithmetic operations and conditional list also comprise conditional control structures and can be used together, providing the means to create data programming structures having the combination of conditional, as well as, arithmetic operations or operands, or operational code having conditional as well as arithmetic operations or statements, as is well known to those skilled in the art, that these structures can be used together, as is well known to those skilled in the art.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Contact Information

6. Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Vincent F. Boccio (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Andy Christensen (703) 308-9644.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vin
March 25, 2002


VINCENT BOCCIO
PRIMARY EXAMINER